



CONSTITUENT ASSEMBLY OF PAKISTAN DEBATES

Thursday, 10th March, 1949

OFFICIAL REPORT

CONTENTS

	Page
Motion <i>re</i> : Aims and Objects of the Constitution of Pakistan—	
Discussion not concluded	51—63

Published by the Manager of Publications, Government of Pakistan, Karachi
Printed by the Asstt. Manager, Governor-General's Press, Pakistan, Karachi

1949

Price : 5 annas

CONSTITUENT ASSEMBLY OF PAKISTAN

Thursday, the 10th March, 1949

The Constituent Assembly of Pakistan met in the Assembly Chamber, Karachi, at Four of the Clock in the Evening, Mr. President (The Honourable Mr. Tamizuddin Khan) in the Chair.

MOTION RE : AIMS AND OBJECTS—*contd.*

Mian Muhammad Iftikharuddin (West Punjab : Muslim) : Mr. President, Sir, let me first congratulate the Honourable Mr. Liaquat Ali Khan for bringing at long last, after a year and a half, the Objectives Resolution, which, as has already been said and as must be admitted, is couched in beautiful words, and the address that he delivered with it was even more beautiful. I join others in offering him congratulations on that.

Sir, the first thing that has struck me during this debate is the fact that there is a remarkable similarity in the views of the members of the Muslim League Party and those of the Congress Party. My friends here will be surprised to hear this, but Sir, all the same it is true. The objections that have been raised by the members of the Congress Party on this Resolution relate to the statement that power is derived from God. It has been said that it gives the constitution a theocratic approach. Sir, I assure the members of the Congress Party that the wording of the Preamble does not in any way make this Objectives Resolution any the more theocratic, any the more religious than the Resolution or the statement of fundamental principles of some of the modern countries of the world. We know, Sir, that the constitutions of many countries start, if not with exactly the same, at least by somewhat similar words. Ireland is not the only country that I know of, the constitution of which starts with somewhat similar words about God. Practically every country of British Empire derives its authority through the agency of the king from God. It is always mentioned, the King Emperor, by the Grace of God, and, so on. The members of the Congress Party need feel no more nervous than do the subjects of British Empire or the citizens of the Irish Free State on the wording of the Resolution.

As a matter of fact it amused me how the people of our country have hailed this Preamble, this statement of Objectives, as a new discovery. I see that a section of the press, gave it out as if they had scored a journalistic scoop by reporting that the authority is derived from the Higher Power. Sir, the authority, whether we say it or not, is derived from that Power. It does not lie within our power to change the laws of nature's or to add to or detract from the power of Nature's God. Therefore, in having stated that, we have not done anything very extraordinary, and the Members of the Congress Party may rest assured that the God of the Muslims, the conception of *Allah* in the Muslim religion, is in no way less merciful than the conception of the Almighty in other religions, the objection from the Party opposite is not an important objection at all.

Sir, there is another question, on which I admit objections have been raised not only from the members of the Congress Party but also in amendments which were later not moved, but notice of which was given by some of the members of the Muslim League. It showed the mind of the members that the Muslim League Party also felt the same way in objecting to the State, as distinct from the people, having derived the authority from God. No doubt it has been said, that authority is given to the State, through its chosen representatives, yet I think it lends itself to mischievous interpretations as it stands now. The authority descends to the people and not to the

[Mian Muhammad Iftikharuddin.]

state, and to say that through the people it comes to the state is all right, but why mention the state separately? It indicates that the state is a separate entity. If you say that the word state has been brought in because that is the agency through which the people function, then, the Administrator of Karachi Corporation or the District Magistrate or Collector of Mymensingh District or the Tahsildar of Lahore, all of them, are agents of the people and we have not mentioned any of them. If anyone of these agencies disobeys us because he feels that we have exceeded the limits prescribed by the Almighty, we are not going to tolerate him. We know that the final authority to decide about the limits, the final authority to interpret the rights of the people, is the people themselves. To bring in, therefore, the agency of the state is to confuse the issue. An occasion may arise when the state may give the excuse or the party in power may say that the people have exceeded the limits prescribed by the Almighty, and it may refuse to obey the people. I hope that this is not what is in our minds. We cannot tolerate such a state or such a party.

We must remember that we have no ordained priests. We have no licensed *Ulema*. In other words, we cannot go and appeal to a final authority as can the people of Roman Catholic countries to the Pope or to the Priesthood. We, the Muslims, can appeal to no other authority on earth than the people. The moment the state loses the confidence of the people, it has no business to exist. We know that a state or a Government has existed in this sub-continent, which did not derive its authority from the people. We never sanctified the British Imperial Government that ruled this country. That state was never worthy of being the custodian of our conscience or the repository of our rights. Our own Governments have also existed, which were actually elected Governments, but had lost the confidence of the people and we refused to obey them. I have not to go far to cite an instance.

The Unionist Ministry of the Punjab was elected under the 1935 Government of India Act. It had the majority of Muslim M.L.As. in it too, but we considered that Government not only an alien, but also as a Government against which it was our duty to revolt, which we did, and that successfully too.

Even after having been elected on a popular vote a Government can lose the confidence of the people, and the moment that happens there is no obligation to obey it.

So far as the question that the Resolution comes up to the mark, according to religious divines or not, I am no one to speak. One of the most important personalities in that field has spoken and for me his opinion is sufficient. If he is satisfied that the Resolution comes up to the mark from his point of view, I have nothing more to add.

I am pleased that at least one section of the Pakistan population has been satisfied; but, Sir, the other field about which each and every one of us has a right to speak, namely, the field of political, economic and social justice; I, as a worker, feel that the Resolution falls short of all our expectations. It may be said that since ours is going to be an Islamic State, we have no cause to fear that there will be no despotism, no injustice.

The people of Pakistan should know that there are at least four states in world who have drafted their Constitutions in the same way and they call themselves Islamic States—Egypt, Iran, Afghanistan and Iraq—and yet, it is my submission, and I say so with all seriousness, that these four states are the most un-Islamic of all the States in the world. These States yet retain the divine right of kings. These States, at least three of them, yet claim that the King cannot be deposed.

These States do not give adult franchise to their peoples. In these States Parliaments are not sovereign or free. In fact, it is known to us all, thanks to

the Secretary of the Constituent Assembly, who has supplied us with copies of the Constitutions of these States that they are not Democracies at all.

Mr. President : Order, order. Please resume your seat. Is it necessary to comment on other Islamic States? I do not think it is necessary. It will be impolitic.

Mian Muhammad Iftikharuddin : All right, Sir.

I had no intention of attacking any of the States, but since the other side has quoted certain sections of the constitutions of these States, I thought it was necessary to point out that they were not Islamic States, according to at least my conception of an Islamic State.

I say, Sir, that whereas the minorities need have no fear that this constitution begins with religious words, the Muslims should know that it is no guarantee that since we have used the words of 'Islamic State' we are to get justice and fairplay, or in other words, an Islamic State. It has happened so often before that Islamic words have been used but its principles have not been followed.

Sir, I come back to what I was saying, that in a sense there is a great measure of agreement in the views expressed on both sides of this House and the real question has been left out by them all. What has in the past made the working of Democracy impossible, what has made the Democracy of the West a formal and dead Democracy? There are certain circumstances which make it impossible for a Democratic State to function in the real sense. Unless, Sir, people are economically free, unless people do not depend for their bread on any particular person they cannot be free. We know it in this House and one of the members from my party a week ago pointed out how dependant a large section of the members of this House was on the sweet will of the Government. Sir, if the lure of office can make us, members of this House, or some of us, so dependant on the Government, then you can imagine how the question of bread can make the poorer classes much more dependant on those from whom they earn their livelihood. Sir, nothing has been said in this Resolution for removing that main cause of inequality; that main cause of the failure of Democracy in the Western countries. It may be said, Sir, that I am anticipating the work of the Constituent Assembly, and that it is a question which is covered by the word 'Islamic' democracy, freedom, social justice and Islamic fairplay, but I differ from them. Of course, the Islamic conception of justice, fairplay and democracy is what I am trying to explain, but as I have said before that word has been used before and Islamic justice, Islamic fairplay and Islamic democracy has not been given. So it was just and right for the people to demand that a definition or explanation of that word should be given, but that has not been done.

As I said, the reply that I am anticipating, namely, that it is for the Constituent Assembly to decide, is not really a reply that can satisfy anyone because we have gone out of our way and actually picked up certain items of the constitution and laid down our policies with regard to them. We have said that our State will be composed of various units; that it might be a Federation. We have said that the Judiciary is going to be independent. I am pleased that we have made those statements. But why not say something on the most important question as to how we propose to make our constitution really democratic. What is the difference between our constitution, the constitution of Pakistan, and those of other States, between a dead democracy which is in other countries and a dynamic democracy which should be the democracy of Pakistan. Sir, I should have thought that since we were the people who had declared that we were going to give the people real democracy,

[Mian Muhammad Iftikharuddin.]

that we were going to give the people real social justice we were now going to show them how the principles of Islamic political ideology would function when put into practice, but we have not done that. We have not mentioned the most important item in the constitution. We have ignored the very cause which has made democracy in other countries a failure and that I think, Sir, is the most important short-coming of the present Resolution, and to me that means everything. This means that we are not going to give the people real power, real democracy. The members of the Congress Party should rest assured that they are not going to be in any way in a disadvantageous position so far as the benefits of Western democracy are concerned, and all that they may get, but that does not mean anything.

The fight in this country, is not going to be between Hindus and Muslims. The battle in times to come will be between Hindu have-nots and Muslim have-nots on the one hand and Muslim and Hindu upper and middle classes on the other.

This Resolution is giving us—as has been given to other countries—a constitution which will be a form of passive democracy rather than an active and dynamic democracy, which the world needs and about which, I believe, the Maulana Shabbir Ahmad spoke yesterday. Sir, there is another reason for me to fear that we are not going to get real democracy. Our actions during the last 1½ years have shown on what lines we are working. If we really believe in democracy, in Islamic principles of justice and fairplay, why have we not finished those princely States by the very first Act passed in this Assembly.

Mr. President : You are going beyond the scope of the Resolution.

Mian Muhammad Iftikharuddin : What I am trying to stress is that the words used in this Resolution do not mean anything. This Resolution is not the product of the League Party in this House. This Resolution is supposed to be the voice of the seventy million people of our country. This Resolution is supposed to be their voice, and I have every right to criticise it because I feel that we are taking upon ourselves a tremendous responsibility which we are not discharging properly.

Mr. President : I cannot allow you to say anything derogatory to this House, nor can you attack the Government about their past conduct. We are only dealing with the question as to how our future constitution should be framed and on what principles. You cannot say anything about the past acts of commissions and omissions of the present Government. We are not concerned with the Government at all. In this House there is no body of members as a Government block.

Mian Muhammad Iftikharuddin : Sir, I will not refer to it. But I have a right to say that we are not the legitimate and natural representatives of our people.

Mr. President : I cannot allow you to say that.

Mian Muhammad Iftikharuddin : But Sir, I have a right to refer to.....

Mr. President : No, no.

Mian Muhammad Iftikharuddin : I will leave that subject. Sir, we the members of this House have been elected.

Mr. President : Please speak about the Resolution.

Mian Muhammad Iftikharuddin : I am speaking about the responsibility that this Resolution imposes upon them. Sir, we the members of the Constituent

Assembly here have been elected by the assemblies of the various provinces of Pakistan.

Mr. President : I am sorry you are going to say the same thing in another way. I am really sorry, I cannot allow that.

Mian Muhammad Iftikharuddin : I was saying that we have a great responsibility and we have to speak for the people of Pakistan, we have to bear in mind the interests of 90 per cent. of the people who do not belong to the class from which we come. It may be said that the people of Pakistan have the fullest confidence in the leaders that lead the country today. Did these leaders not fight for their freedom two years ago? My answer to that is that when we fought for freedom we were fighting for a common end and now the job that we are doing in constitution-making is not the job of getting power from an outside agency, but the job of dividing that power amongst ourselves. And, about that I think, we have to be very careful; we have to know that by doing our duty properly we may bring hardship upon ourselves. But we, as custodians of the rights of the people, must perform that job to the best of our ability. Sir, I have a fear that in presenting the Resolution we are not performing that duty as it should have been done. In this Resolution we do not give any safeguard whereby people would be free to vote, whereby people will not be influenced by the masters under whom they work. Had we brought in such safeguards for them, then only would it be possible for us to give the people of Pakistan a real Islamic democracy and constitution which would have been for the people and of the people. Sir, I have no hesitation in declaring that we may be acting with the best of intentions, but the constitutions that we have to put before the country is a constitution for all time to come and in that it would be very wrong on our part, if depending wrongly on our supposed sincerity, we make a constitution, which, those who come after us may be able to misuse. Sir, I repeat, no one need object to the word 'Islamic'. If we can use the words 'Roman Law' or the 'British Parliamentary system' and so many other terms without shame or stint, then why not 'Islamic'? But you must give to the world an Islamic constitution. Had we given the world a proper Islamic constitution, a fine ideology, a new way of achieving real democracy, I think, we would have performed a great task. On this occasion I have a right to say—and I am not doing this to blame any member or any section of this House,—I am saying as one of them, that we are not doing our duty. The Islamic conception of State is, perhaps, as progressive, as revolutionary, as democratic and as dynamic as that of any other State or ideology. I do hope that even at this stage this House, realising its great responsibility, will incorporate in its Objectives Resolution those principles which will make real democracy possible. And if it fails to do that, at this stage I do hope it will do so in the actual constitution and then the world will know what we really meant by the Islamic conception of democracy and social justice.

The Honourable Sardar Abdur Rab Khan Nishtar (West Punjab : Muslim) : Sir, the criticism that has been levelled against this Resolution by the Members of the Opposition Party and also by my friend who just spoke, seems, with all respect to them, to be based on some misunderstanding. I will deal with the main amendments that were proposed by some Honourable Members and will endeavour to show whether they are really necessary in view of certain paragraphs of the Resolution where similar thoughts are expressed in a different language, or the suggestions made are such which should be accepted by this House.

The first and the main Opposition was voiced against the Preamble of the Resolution and the basic idea that was put forward in support of this adverse criticism was that politics is different from religion, politics should be

[The Honourable Sardar Abdur Rab Khan Nishtar.]

divorced from religion and politics should have nothing to do with the religion. Both have different spheres and therefore they should not be mingled together in the affairs of the state. Well, Sir, so far as this point is concerned, the world knows, and particularly those who belong to the Indo-Pak continent know it very well, that on this point there is fundamental difference between the Muslims and the non-Muslims. I can well understand the reason for that difference. May be that the non-Muslims who advocate divorce between religion and politics look at this point from the point of view of their own religion. May be that their religion lays down that religion is only a matter which concerns the relations of a man with his Creator and thus far and no further. But we, the Muslims and our Leader, the foremost Leader of the Muslims, the Quaid-i-Azam, have declared it from thousands of platforms that our outlook on life and of life is quite different from the outlook of our friends. We believe that our religion governs not only our relations with God, but also our activities in other spheres of life. We have always described it, and rightly described it, as a complete code of life. Therefore, if in spite of this knowledge and in spite of the controversy that has been going on for years in the Indo-Pak sub-continent, it is expected of us to-day to accept that philosophy which has been advanced by my friends who have opposed the Preamble, I would submit it is too much. That is not our belief. Our view about this point is quite different. So, let there be no misunderstanding on that point. But this in no way affects them. They should examine it from this point of view whether this philosophy or this outlook of life in any way adversely affects their legitimate interests. If on account of this, legitimate interest of minorities suffer one could understand their position. But I submit that they have no ground for complaint. As a matter of fact, when we say that our code of life is Islam and we want that we should live as Muslims and our constitution should be based on Islamic principles, it gives the minorities a very great guarantee, a guarantee which no other constitution could have given to them. It saves them from the tyranny of the majority. They know that in constitutions which are known as democratic constitutions what the tyranny of the majority means. When we say that the authority that is to be exercised in this state is an authority conferred by the Almighty, who is the Sovereign of the whole Universe and it is a sacred trust from Him to be exercised through the people of Pakistan, they should try to understand the implications of this declaration. What a responsibility this declaration lays upon the shoulders of the majority! It gives the minorities a very great guarantee, a very strong security, against the tyranny of the majority, because the majority who happens to be in power will have to exercise this authority as a sacred trust from one who is the Sovereign of the minorities and of the majority. Therefore, when we say that the constitution shall be based on Islamic principle, and the authority of State is derived from the Almighty who is not only the sovereign of Pakistan but of the whole universe, the minority should welcome it. I think it was due to some misunderstanding that they have opposed it: When we say that the Almighty is the sovereign of the whole universe and not only of Pakistan, it is a statement of fact and whether we say it or not, it is true. This declaration implies a very very important principle and that is the principle of brotherhood of man all over the world. Therefore, I would submit that it is a principle and a declaration which everybody should welcome.

My Honourable friend, Mr. Bhupendra Kumur Datta said that you may believe that God is all-powerful and nothing happens without the will and the wish of God, but why flourish it before the public? I would humbly submit to him that we are not flourishing it before the public and it is not for the purpose of bragging that we are saying it. We are on the eve of doing

he most important function of the state. We are about to perform one of the most sacred duties when we launch upon the framing of the constitution. At this solemn hour we want to make a solemn declaration in all humility before the world and before our God that we are conscious of the fact that the sovereignty is His and His alone and that so far as the people and the State of Pakistan are concerned, they have only derived the authority from Him in a delegated capacity. This is not a flourishing of it ; it is a solemn declaration that is being made.

One sentence which has been criticised to day by my Honourable friend Mian Iftikharuddin, also needs to be cleared.

The Preamble states—

“Whereas sovereignty over the entire universe belongs to God Almighty alone and the authority which He has delegated to the State of Pakistan through its people for being exercised within the limits prescribed by Him is a sacred trust ;”

It has been said why has it been laid down that the authority has been delegated to the state of Pakistan through its people ? It was remarked that it is just possible that it may be misinterpreted by somebody. I would submit that anybody who properly studies it will not misinterpret it : only one who has just read it and not understood it will misinterpret it. This sentence has got a very important principle behind it. My friend, Mr. Chakraverty, and my other friend, Mr. Kamini Kumar Datta themselves defined “State” as the organised will of the people. That is correct. We say that the authority is conferred upon the organised will of the people through the people. Where does the objection lie ? Let me tell my friends what it means, and I hope, after they come to know the real meaning of it, they will withdraw their objections. It means that Pakistan does not envisage anarchy. It means that Pakistan does not believe in a chaotic land, a land where there is no Government, where there is mere anarchy.—Islam believes in an organised existence—and, therefore, when we say in this Resolution that the authority has been delegated to the State of Pakistan through its people it means that the authority has been conferred upon the people but is to be exercised by the people through their own organised will and in an organised manner. It is not that you have to live just like people of the jungle under the law of the jungle. This is what is meant by this particular phrase. It does not in any way detract from the powers of the people. This position has been again and again explained, in the Resolution. Several amendments that have been put forward by my Honourable friends are all directed to one point, because there is some misunderstanding in their minds that probably the State of Pakistan—the constitution of Pakistan—will not be based on democratic principles. They have proposed the words should be “conferred upon the people”. Another gentleman said the word ‘democratic’ should be inserted. Another gentleman said that we should insert a clause applying the principle of Government of the people, for the people and by the people and so on and so forth. All these amendments were directed to one and one point : that the Constitution of Pakistan shall be a representative constitution, a constitution where the will of the people will be supreme and where no particular individual in the words of one of my friends “will be able to arrogate authority to himself”. I would submit, Sir, that if a man has just a cursory glance of this Resolution, no doubt will be left in his mind that all these things had been safeguarded, not only safeguarded but effectively secured. There are at least five portions in this Resolution which relate to this particular point and I would just draw the attention of my Honourable friends to these five points and would ask them to keep the overall picture of this Resolution before their minds and then decide for themselves whether this particular principle has been safeguarded or not.

In the first paragraph, Sir, in the Preamble it has been clearly stated that the authority has been “delegated to the State of Pakistan *through its*

[The Honourable Sardar Abdur Rab Khan Nishtar.]

people ". Then in the second paragraph that immediately follows it, it is stated that :

" This Constituent Assembly representing the people of Pakistan resolves to frame a constitution "

Again emphasis has been laid on the representation by the people. Then in the third paragraph it has been stated very clearly—

" Wherein the State shall exercise its powers and authority through the chosen representatives of the people "

Then in the fourth Clause it is stated —

" Wherein the principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam shall be fully observed , "

And then ultimately the object of all these steps is stated to be —

" So that the people of Pakistan may prosper and attain their rightful and honoured place amongst the nations of the world. . . . "

In view of this emphasis upon the people : the right of the people, the representation of the people, the prosperity of the people and the exercise of power and authority by the chosen representatives of the people, I do not think, Sir, there can be genuine doubt in the mind of any person about the fact that what is meant by the Mover of this Resolution is a democratic constitution in the real sense of the term. It might be said then : Why don't you accept the word " democratic " ? let me tell my friends that it is I think very right on the part of the Mover of the Resolution that he has avoided this word. As I see the Resolution, Sir, there appear to be two reasons for this. First of all, while describing the Pakistan State, the nature of the state has not been described in any particular term. The status of the state has been described as " the sovereign independent state of Pakistan ". It was necessary to use the word " Pakistan " —of course, the name of the state is there—and further the status of the state has been explained that it is to be " independent and sovereign " and that would, I hope, meet the point of Mr. Kamini Kumar Datta about " national sovereignty " because he had proposed an amendment on that point. It is not only the sovereignty of God that has been referred to in the Resolution but within certain limits prescribed by Him : the sovereignty and independence of the Pakistan state has also been declared. So, so far as the " national sovereignty " is concerned that has been secured. The status has been declared but the nature of the state has not been described, and rightly so. The word " democratic " has lost all its meaning in the present day world as was stated by one of my friends just now. The state of England with a king—who is there " by the Grace of God " is " democratic ". The people of America with an all-Powerful President have a " democratic " State. France, with peculiar system of Government that is known to all of us is a " democratic " State. So is the case with Holland. Russia also claim to be a " democratic " State, and although it was not stated by one Honourable Member, probably he meant by " democratic state " the Russian democracy. Now how to interpret this word " democratic in the present day world ? How to interpret it when Kings and no Kings, presidents and no presidents, Parliamentary system of Government and non-parliamentary system of Government and even a state like Russia, which is accused by the so-called democracies to be a dictatorship—all claim to be democratic states. I think it was better to avoid the word " democratic " to give the real features of the state and leave it to the people to judge for themselves whether ours is a good constitution or a bad constitution. And after all what is in a name ? Call the rose by any name and it will smell sweet. The nature of the state has not been described but the features—the important features—have been given. If the word " democratic " had been used it would have been interpreted in the light of the present-day multifarious interpretations of this word that exist in the world in different manners by different people,

Sir, the Mover has given as the real features of the State and these features clearly, right at first sight, prove, show and disclose that the state that we shall have, the constitution that is intended to be framed, will be a constitution which will provide for a government of the people and by the people. The last clause says that the constitution is for the purpose of making the people of Pakistan prosper. This shows that it will be for the people also. Therefore it is unnecessary for us to borrow a sentence from Abraham Lincoln and put it in our Objectives Resolution. Is it necessary to borrow a word and put it in this Resolution which has lost all its meaning; I mean the word "democratic". Look at the provisions of the Resolution, look at the main features that have been given in the Resolution and the emphasis upon the people, the right of the people and the representatives of the people and the authority of the people. After that I do not see any justification for the suspicion that the Resolution, that we have, would mean that the voice of the people will not be supreme. As I understand it, Sir, it will be a constitution which will be purely democratic constitution in that meaning of the term which the Muslims know. It means that even the humblest will have the right to criticise the highest. May I tell my learned friends over there that they must have heard the word *Jehad* which has been a subject of criticism the other day in India. It was wrongly translated as mere holy war or crusade. In Islam for a humble person to utter truth in the face of an oppressor king or ruler is the greatest *Jehad*. With this principle of Islam, with such a principle of freedom and with the principle of equality and with all the explanations and illustrations that have been given in the Resolution, I personally, Sir, have no doubt whatsoever that it will be a constitution where the voice of the people will be supreme and that no person will be entitled to arrogate to himself the authority of the people. As a matter of fact one phrase "within the limits prescribed by Him" which has been objected to by the other side obviates the possibility of any individual arrogating to himself power or authority in Pakistan because one of the main limitations which has been laid down in Islam with regard to constitution is this that the ruling authority in a Muslim country cannot be a king, it cannot be a dictator. This is one of the limitations prescribed by God. My friends want that this limitation should be removed and at the same time they press for something which these limits provide for. Therefore, I would submit, Sir, that so far as objection to the Preamble is concerned or the suggestion to incorporate the word "democratic" or the well-known saying of "Government by the people, of the people and for the people" and such things are concerned, it is absolutely useless to incorporate them in this Resolution.

Then Sir, I come to the second clause where objection has been taken to the phrase. "As enunciated by Islam". My friend Mr. Datta said that this would create two classes, the patricians and the plebeians. I do not know how he came to this conclusion "as enunciated by Islam" would mean that there will be no classes here. There cannot be a patrician and a plebeian class if the society is in accordance with Islam. The nobility and proletariat, the patricians and plebeians, the upper classes and lower classes are foreign to Islam. They are anti-Islamic. It has been clearly stated in Quran, it has been stated by our Prophet in very clear and unmistakable terms that there cannot be any superiority for one particular group of men over another particular group of men, nor for one individual over another individual on any count except *piety*. This is the declaration that has been made by Quran. In view of this it is not right for my friend Mr. Datta to say that the principle of democracy, freedom, equality and tolerance, as enunciated by Islam, would mean the introduction of patricians and plebeians. He admits that he is ignorant

[The Honourable Sardar Abdur Rab Khan Nishtar.]

of the principles of Islam : that it is why, I think that these suspicions crept into his mind.

Another amendment which is sought is that the words "and as based upon eternal principles" should be added to this clause. May I, with all humility, put a question to the author of this amendment : is it correct that these principles of democracy, of equality, of freedom, of tolerance are eternal principles ? If it is not so, why make a statement like that ? Then a suggestion was made by Mr. Chakraverty that at the end of this clause we should say "but not inconsistent with the rights mentioned in the Charter of Human Rights drafted by the U. N. O.", or something like that. This was the amendment suggested by him. He read out certain portions of that Charter but when I went through one of the clauses in this Resolution it contains much more than what was read out by my friend, Mr. Chakraverty. Besides this clause the clause relating to fundamental rights is there. It says :

"Wherein shall be guaranteed fundamental rights including equality of status, of opportunity and before law, social, economic and political justice and freedom of thought, expression, belief, faith, worship and association subject to law and public morality."

In view of this I do not think it is desirable to borrow a test for our constitution from a Charter which we do not know will last long. Our constitution will last longer. We cannot frame constitution for all times to come as my friend Mr. Iftikharuddin said but our constitution will, I hope, last for a fairly long time, as long as the posterity, of which Mr. Mandal is so much mindful, does not change it. Why make U. N. O. Charter a test of your constitution. If your country subscribes to that Charter as a member of that Organization then the Charter will be binding upon it. But here this Resolution gives you much more than that. You should go after the kernel and not after the shell.

Then, Sir, the other amendment is with regard to the clause wherein it is stated that :

"The Muslims shall be enabled to lead their lives in accordance with Quran and Sunna."

With all the safeguards provided for the minorities, with all the protection provided for their rights and with all the consideration that this Resolution shows towards minorities, their rights and their susceptibilities we are not allowed even this much concession that so far as Muslims are concerned we should try to create conditions to enable them to live the lives of good Muslims.

I think I have got a just right of complaint against my friends. We thought that our approach towards the rights of minorities would rather create a better feeling in their minds and they would be considerate towards us also, but unfortunately they deny to us even this much right. The word 'enable'—those Members of the House who have had anything to do with the legal profession know—has got a special meaning. Therefore I would not dilate on it. It is not fair if even this much right is denied to us. I would submit that as a citizen of Pakistan I must be granted the freedom to say that I must be allowed this right. This has nothing to do with minorities. Mr. Barma suggested that it should be stated in the clause that 'the Muslims and Non-Muslims equally shall be enabled,' he has not understood the implication of his amendment, otherwise he would have never made this suggestion. Muslims will be in a majority in this country. There is no harm if it is stated that the State should create conditions, whereby the Muslims are enabled to live the life of a good Muslim ; but if you allow the Government, which of necessity, will mostly be composed of people belonging to Muslim community to interfere with your religion or regulate your religious affairs, you would be sorry for it. The Mussalmans may not abuse it—I am sure they would not abuse it—but to provide so is not in your interest. Who has to enforce this provision who has to

regulate it and who has to create those conditions ? It is the Government and what would be the complexion of the Government, at any rate, the overwhelming complexion of the Government ? It is not in your interest. If I had been a non-Muslim and such a proposal had been suggested to me I would have protested against it. What has been provided for the minorities is the freedom to profess and the freedom to practise their own religions and the freedom to develop their own cultures. Therefore, I would submit that so far as that amendment is concerned, it is not in the interest of minorities. After all, I am also a fellow citizen of non-Muslims of Pakistan and I have to see that their interests do not suffer.

Another amendment suggested, I think, by Mr. Barma, is, that after the minorities, the word ' Scheduled Castes ' should be included. The Scheduled Castes are also minorities. Therefore, when we say that the rights of minorities shall be safeguarded, then after the word ' minorities ' there is no need to insert the words Scheduled Castes. There is another amendment that the words ' Scheduled Castes ' should be added after the words ' backward and depressed classes '. I would submit, that, so far as this amendment is concerned, it is based on misapprehension of the object of the relevant clause. It is not the Scheduled Castes as such that are to be looked after. In Scheduled Castes, there are people like Mr. Mandal, who is a Minister. In Scheduled Castes there are people like Mr. Barma, who can very well look after themselves. It is not a particular caste, it is not a particular tribe that has to be looked after. Any section of the people, whether they are Scheduled Castes whether they are Muslims, or whether they are Hindus, if they are backward, if they are depressed, they are to be looked after and special care is to be taken of them. It is on account of that that the words ' backward classes and depressed classes ' have been mentioned and not the words ' Scheduled Castes '.

Then, Sir, there are two amendments of Mr. K. K. Datta. One is No. 19 and the other is No. 23. No. 19 expresses the same idea in a different construction. The amendment is in respect of the clause relating to adequate safeguards for the minorities to profess and practise their religions, etc. It is proposed that this clause should read that wherein shall be secured to the minorities the freedom to profess and practise their religions and develop their cultures and adequate provision shall be made for it. This is exactly what has already been stated by the Mover in the clause as it exists now but I feel that if Mr. K. K. Datta is anxious about this amendment, the Honourable the Mover may consider it. So is the case with Amendment No. 23, regarding fundamental rights, where we have said ' guaranteed ', Mr. Datta wants to add the words ' and secured to all the people of Pakistan '. When we say ' guaranteed ', it means secured, and when a particular section of the people is not mentioned it means all the citizens of Pakistan. But if he is very anxious that the words suggested by him should be incorporated, I would submit to the Honourable Mover that he may consider the suggestion. I personally do not see any particular necessity for it.

It was remarked by some Honourable Members that the interpretation which the Mover of this Resolution has given is satisfactory and quite good, but Mr. B. C. Mandal says : " Well, to-morrow you may die, I may die, and the posterity may misinterpret it ". First of all, I may tell him and those who have got some wrong notions about the interpretation of this Resolution that this Resolution itself is not a constitution. It is a direction to the Committee that will have to prepare the draft that they should prepare the draft keeping in view these main features. The matter will again come to the House in a concrete form, and all of us will get an opportunity to discuss it and form an opinion about it. Secondly, this Resolution is going to be interpreted either by the Drafting Committee that will be set up or by the House. Your constitution

[The Honourable Sardar Abdur Rab Khan Nishtar.]

when it is drafted and when it is passed, will have to be interpreted by somebody else. That is quite a different thing. For that probably you will have to provide in your constitution as to how it is going to be interpreted, but so far as the Resolution is concerned, if the Mover with all his position in public life and with all his influence in this House has given you an interpretation, which is quite satisfactory according to the declaration of some Honourable Members belonging to the other side then, I would submit, Sir, that they need not have any fear that it will be misinterpreted in the Committee, where the Mover will be present, if the Resolution of which he has given notice, is passed or in this House when the draft is considered. There is no apprehension that the Resolution will be misinterpreted. If he has given you an interpretation and that is the only authoritative interpretation because he is the mover and that you are satisfied, then I am sure you have no justification for pressing your amendments.

Another remark which was made by one of the members was that soon after the Quaid-i-Azam's death you have confronted us with this Resolution as if we have done something against the wishes of the Quaid-i-Azam. It is correct Quaid-i-Azam had given pledges to the minorities but Quaid-i-Azam had also given pledges to the majority. Pakistan was demanded with a particular ideology, for a particular purpose and this Resolution, that has been moved, is just in accordance with those solemn pledges which Quaid-i-Azam and the leaders of the Muslim League gave to the majority as well as to the minorities. We have done nothing and none of us dare do anything which goes against the declarations of Quaid-i-Azam.

In the end, I would submit that, as was pointed out by Honourable Mr. Liaquat Ali Khan, Pakistan has got a mission to perform. To-day in this world two forces are at war. Two ideologies are in conflict. At one time there was full hold, complete hold of capitalism over the world. The result was that wealth concentrated in the hands of a few. The majority were 'have-nots' who revolted against this state of affairs, the pendulum swung to the other extreme and we found Communism. To-day on one side there is Communism working from behind the so-called iron curtain. On the other side there is Capitalism supported by atomic bomb. Some of our friends belonging to Opposition are very much afraid of Communism. One of them said: look here, some of the Muslim youth are affected by Communism and if you do not adopt a certain course, they may revolt against the constitution and there might be difficulties in your way. I will tell my friend: If you are really serious about curbing Capitalism and checking Communism, then you will have to put forward before the world an alternative system of life. Merely by criticising a certain thing like Mian Iftikharuddin who always criticises proposals of others but never has anything concrete to suggest, you will never achieve anything. You must come forward with another alternative. It is no use your saying that Capitalism is bad, and communism is also bad but at the same time sit with folded hands and do nothing. I as a humble Muslim believe that Communism cannot be fought with American dollars, or with atom bomb. You cannot provide all the poor people of the world with dollars. It is an impossibility and therefore by the mere help of dallors you cannot check communism. By atomic bomb, you cannot kill communism. Atom bomb can destroy the countries, it can kill human beings, but cannot kill and destroy ideas. If you are really serious in opposing Capitalism as represented by certain countries of the West and Communism as represented by Russia, then put forward an alternative social system. We the Muslims believe that a society based upon the Islamic principles of freedom, equality and social justice, to the Muslims and non-Muslims, believers and non-believers, men and women, poor and rich, everybody, our own citizens and foreigners can be the best alternatives and if our constitution

is framed, not only framed, but is worked, on this basis and we put forward by our own example a new model before the world, may be that this tottering world is saved. It is just an attempt. We may succeed. We may not succeed. Our belief is that we have a system that will succeed and prove a panacea for the ills from which the world is suffering. Such an opportunity is not always offered to the people. It is only in centuries that a people get such an opportunity. Today you have got it. It is fortunate that the majority of your country believes in these great and sublime principles, not only as a matter of reason but also as a matter of faith and if you, my non-Muslim friends, do not believe in these principles as a matter of faith, accept them on the basis of reason. If you are not ashamed of borrowing phrases from Abraham Lincoln, if you are not ashamed to quote Marx, Lenin, Rousseau and others, why should you be ashamed of borrowing something from Islam. Let us join hands and offer to the world an alternative system of society based on social justice. If we succeed, well and good. If we fail or even die in efforts, we shall have died for a good cause. With these words, Sir, I strongly support the Resolution of the Honourable Mr. Liaquat Ali Khan and oppose all the amendments except the two that have been proposed by Mr. Kamini Kumar Datta and which I commend to Mr. Liaquat Ali Khan for consideration.

Mr. President : The House stands adjourned till 11 A.M. on Saturday next.

The Assembly then adjourned till Eleven of the Clock, on Saturday, the 12th March, 1949.